

**REMARKS**

Claims 1-20 are pending. Of these, claims 1 and 12-15 are written in independent format.

By this reply, new claims 16-20 have been added. Claims 16-20 depend from claims 1 and 12-15, respectively, and are patentable at least for the same reasoning (discussed below).

**§ 103 REJECTION**

Beginning on page 2 of the Office Action, claims 1-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. patent no. 5,734,788 (“the ‘788 patent”) to Nonomura et al. in view of U.S. Pre-Grant Publication (“PGPub”) no. 2004/0220791 (“the ‘791 PGPub.”) to Lamkin et al. This rejection is traversed.

An example of optical disc technology is an optical disc that conforms to the Digital Video Disc (DVD), also known as Digital Versatile Disc (coincidentally, DVD), standard. Higher density optical disc technology exists, e.g., an optical disc that is compatible with the Blu-Ray Disc (BD) standard and/or the Blu-Ray Rewritable Disc (BD-RW) standard. Data structures present in BD and/or BD-RW compatible disc include a playlist directory and a stream directory. No such data structures are present in a DVD disc.

Among other things, claim 1 (for example) recites a playlist directory and a stream directory. The ‘788 patent corresponds to the DVD standard. None of the terms/phrases “playlist,” “play list” and “directory” are literally recited in the ‘788 patent, so (of course) neither “playlist directory” nor “stream directory” is literally recited. This is because the ‘788 patent is concerned with only DVD discs; see col. 4, lines 27-30. While there may be terms/phrases that are considered to be synonyms to “playlist directory” and “stream directory,” it is submitted that no such synonyms are present in the ‘788 patent. Accordingly, the playlist directory and stream directory represent distinctions over the ‘778 patent.

The Examiner has acknowledged that the '788 patent does not teach, among other things, a title management information file separated to a playlist, which has been clarified by the present document to read a title management information file that is located in a given directory different from the playlist directory. To compensate for this deficiency in the '788 patent, the Examiner relies upon the '079 PGPub. Even assuming for the sake of argument that the '788 patent teaches a "title management information file" that would have meaning in the context of a recording medium that also includes a playlist directory and a stream directory, Applicants nonetheless traverse the asserted combination.

Like the '788 patent, the '079 PGPub is concerned with only DVD discs; see paragraphs ("PGHs") 84-86, which are reprinted below for the reader's convenience.

**[0084]** A system and method for metadata distribution to customize media content playback is described in U.S. Publication No. 20030122966 which is incorporated herein by reference in its entirety. "DVD Video (Book 3) Specification 1.0" is incorporated herein by reference in its entirety. This reference is for DVD-Video (read-only) discs.

**[0085]** DVD Specifications for Read-Only Disc--DVD Book, Version 1.0, August 1996, published by Hitachi, Ltd, Matsushita Electric Industrial Co., Ltd, Philips Electronics N.V., Pioneer Electronic Corporation, Sony Corporation, THOMSON Multimedia, Time Warner Inc., Toshiba Corporation, and Victor Company of Japan, Limited, is incorporated herein in its entirety.

**[0086]** The following non-patent documents are hereby incorporated by reference as if set forth in their entirety: InterActual API Design Guidelines for Consumer Electronics Manufacturers; InterActual application programming interface (API) Specification (also called InterActual API Specification), DVD specification, InterActual Architecture System Design Guidelines v0.9x--Greg Gewickey, Aug. 30, 2001, and InterActual application Programming Interface Specification v1.04--Greg Gewickey, Aug., 20 2002.

It is acknowledged that the '791 PGPub suggests the possibility that its teachings could be applied to an optical disc technology other than DVD; see PGH 316 (reprinted below for the reader's convenience):

**[0316]** The content services module 824 utilizes a collection of entities for playback. A collection is made up of one or more entities. FIG. 8 shows the hierarchy of a collection to an entity. In one embodiment an entity can be any media, multimedia format, file based formats, streaming media, or anything that can contain information whether graphical, textual, audio, or sensory information. In another embodiment an entity can be disc based media including digital versatile disks (DVDs), audio CDs, videotapes, laserdiscs, CD-ROMs, or video game cartridges. To this end, DVD has widespread support from all major electronics companies, all major computer hardware companies,

and all major movie and music studios. In addition, new formats disc formats such as High Definition DVD (HD-DVD), Advanced Optical Discs (AOD), and Blu-Ray Disc (BD[]), as well as new mediums such as Personal Video Recorders (PVR) and Digital Video Recorders (DVR) are just some of the future mediums that can be used. In another form entities can exist on transferable memory formats from floppy discs, Compact Flash, USB Flash, Sony Memory Sticks, SD\_Memory, MMC formats etc. Entities may also exist over a local hard disc, a local network, a peer-to-peer network, or a WAN or even the Internet.

The data structures taught by the '791 patent are compatible with the DVD standard. Nowhere does the '791 PGPub explain how to adapt its disclosed structures to any of the alternative media technologies listed in PGH 316, especially to such standards as the BD standard. At most, this suggestion represents an invitation to experiment. Under U.S. patent law, however, such an invitation to experiment without bolstering from additional art, leads no further than to an obvious-to-try rationale, which is an improper basis for a rejection.

Given the great emphasis upon the DVD standard by the '791 PGPub, the playlist directory and stream directory of claim 1 also represent distinctions over the '791 PGPub. Moreover, the '079 does not teach a "title management information file" that would have meaning in the context of a recording medium that also includes a playlist directory and a stream directory.

Claim 1 further recites that the title management information file includes at least one segment. Applicants will assume for the sake of argument that there could be some correspondences between claim 1 and the '791 PGPub, in particular to Fig. 10 cited by the Examiner. Before discussing possible correspondence, however, further discussion of the '791 PGPub is needed.

In Fig. 10, a directory structure is depicted, with a Collection folder at the root. Contained in the Collection folder are a collection metadata file, a Title entity folder, a Trailer entity folder and a Preview entity subfolder. Contained in the Title entity folder are a Title entity metadata file, a Video entity folder and additional folders corresponding to various other types of media. Contained in the Video entity folder are a Video entity metadata file and a Video Entity. Applicants infer that a Video Entity is a video clip.

Terminology correspondences between the present application and the '791 PGPub (again, assumed *in arguendo*) as listed in the following table.

Terminology Correspondences (assumed <i>in arguendo</i> )	Present Application	'791 PGPub
TITLE directory	Collection folder	
n/a	Collection metadata	
Title Management Info file	Title entity metadata	
Segment	n/a	
PLAYLIST directory	n/a	
Playlist	Title Entity	
PlayItem	Video Entity folder	
CLIPINF directory	n/a	
Clip Info file	Video entity metadata	
STREAM directory	n/a	
Clip (MPEG2-formatted A/V stream file)	Video Entity	

The Examiner has asserted that the '791 PGPub teaches a title information management file that includes at least one segment associated with at least one playlist in the playlist directory area, and further teaches that the title management information file is located in a different directory from the playlist directory. Applicants disagree.

The '791 PGPub defines metadata as data about data (see PGH 87). More particularly, the '791 PGPub teaches (see PGH 87) that collection entity metadata defines the properties of the collection and how the plurality of entities are related within the collection. At PGH 322, it is described that "entity metadata is used to describe the entity it is associated with." At PGH 327, it is described that "behavioral metadata is the set of rules or instructions that specify how the entities are used together in a collection."

It will also be assumed for the sake of argument that Title entity metadata explains, among other things, the relationship between two or more Video entity folders in a given Title entity folder. As such, it is being assumed for the sake of argument that a title management information file (as per claim 1) corresponds to the Title entity metadata.

A segment (as per claim 1) has an association with one or more playlist files. A playlist file is a collection of playing intervals (also known as playitems) for one or more clips. A distinction of claim 1 over the '791 patent is the at least one segment stored in the playlist. **Question:** What in the Title entity metadata taught by the '791 PGPub corresponds to the claimed segment? **Answer:** Nothing.

In view of the foregoing discussion, the '791 PGPub cannot compensate for the deficiencies of the '788 patent vis-à-vis claim 1.

Claims 2-15 depend at least indirectly from claim 1, respectively, and distinguish over the applied art at least similarly.

As explained above, the rejection is improper and its withdrawal is requested.

### CONCLUSION

The issues raised in the Office Action are considered to be resolved. Accordingly, Applicant again requests a Notice of Allowance.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge any underpayment or non-payment of any fees required under 37 C.F.R. §§ 1.16 or 1.17, or credit any overpayment of such fees, to Deposit Account No. 08-0750, including, in particular, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, P.L.C.

By:

  
Terry L. Clark, Reg. No. 32,644  
P.O. Box 8910  
Reston, VA 20195  
(703) 668-8000

TSA/cm:tsa